

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 27, 2022

PUBLIC HEARING DATE: October 25, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 7

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 4, Kilpatrick Subdivision, 8636 North Loop Drive, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-3 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 8636 North Loop Drive
Applicant: Rojas Pullman Trust, PZRZ22-00018

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from A-2 (Apartment) to C-3 (Commercial) to allow for the proposed use of material sales (building & construction). City Plan Commission recommended 6-0 to approve the proposed rezoning on September 8, 2022. As of September 20, 2022, the Planning Division has not received any communication in support or opposition to the rezoning request. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4, KILPATRICK SUBDIVISION, 8636 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-3 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *a portion of Tract 4, Kilpatrick Subdivision, 8636 North Loop Drive, located in the City of El Paso, El Paso County, Texas,* and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **A-2 (Apartment)** to **C-3 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

That the following uses be prohibited on the property:

- Automobile (Sales, service, storage, and rental);*
- Automotive repair garage;*
- Bus (Sales, service, storage, and rental);*
- Commercial fueling station;*
- Light truck (Sales, service, storage, and rental);*
- Motor vehicle repair, major;*
- Motor vehicle repair, minor.*
- Motorcycle (Sales, service, storage, and rental);*

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, **2022.**

THE CITY OF EL PASO:


ATTEST:

Oscar Leeser
Mayor

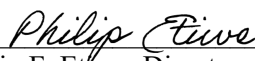
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Joyce Garcia
Assistant City Attorney



Philip F. Ertwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00018

EXHIBIT "A"

Prepared For: Ponzio Properties
Date: 08-09-2022
Being a Portion of Tract 4 Kilpatrick Subdivision
City of El Paso, El Paso County, Texas
W.O. # 022021-6

METES AND BOUNDS DESCRIPTION

Description of a 1.795-acre parcel of land more or less, being a Portion Tract 4, Kilpatrick Subdivision (Book 13, Page 41, Plat Records, El Paso County, Texas) City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows to wit:

Commencing at a found TXDOT brass cap monument on the westerly right-of-way of North Loop Drive (AKA State Highway 76, 120-Foot Right-of-Way) from which another TXDOT brass cap monument found on said southwesterly right-of-way bears South 31°48'50" East a distance of 784.11 feet; Thence South 31°48'50" East, along said right-of-way, a distance 246.14 feet to a found MAG nail being the Point of Beginning, said point being on the most northerly boundary corner of Tract 4 Kilpatrick Subdivision and on the westerly right-of-way of North Loop Drive described in Book 2774, Page 1762, Deed Records, El Paso County, Texas;

Thence South 31°48'50" East, continuing along said right-of-way, a distance of 199.45 feet to a 5/8" rebar found on the common boundary line of Tract 4, Kilpatrick Subdivision, and a certain parcel of land described in File Clerk's No. 20090073100, Deed Records, El Paso County Texas;

Thence South 57°37'35" West, along said boundary line, a distance of 438.14 feet to a 5/8" rebar with cap stamped TX 2372 found on the common boundary line of Tract 4, and on the northwesterly boundary line of Mission Valley Elementary School File Clerk's No 20170056325, Plat Records, El Paso County, Texas;

Thence North 52°59'25" West, along said boundary line a distance of 143.02 feet to a 5/8" rebar with cap stamped TX 2372 found on the common boundary line of said Tract 4, and the southerly boundary line of Lot 6, Block 4, Villa Encantado Book 34, Page 7, Plat Records, El Paso County, Texas;

Thence North 50°00'35" East, along said boundary line, a distance of 494.81 feet to the Point of Beginning and containing in all 78,169 square feet or 1.795 acres of land more or less.

8-09-2022
Charles H. Gutierrez
CHARLES H. GUTIERREZ R.P.L.S. 5572
H2O-Terra



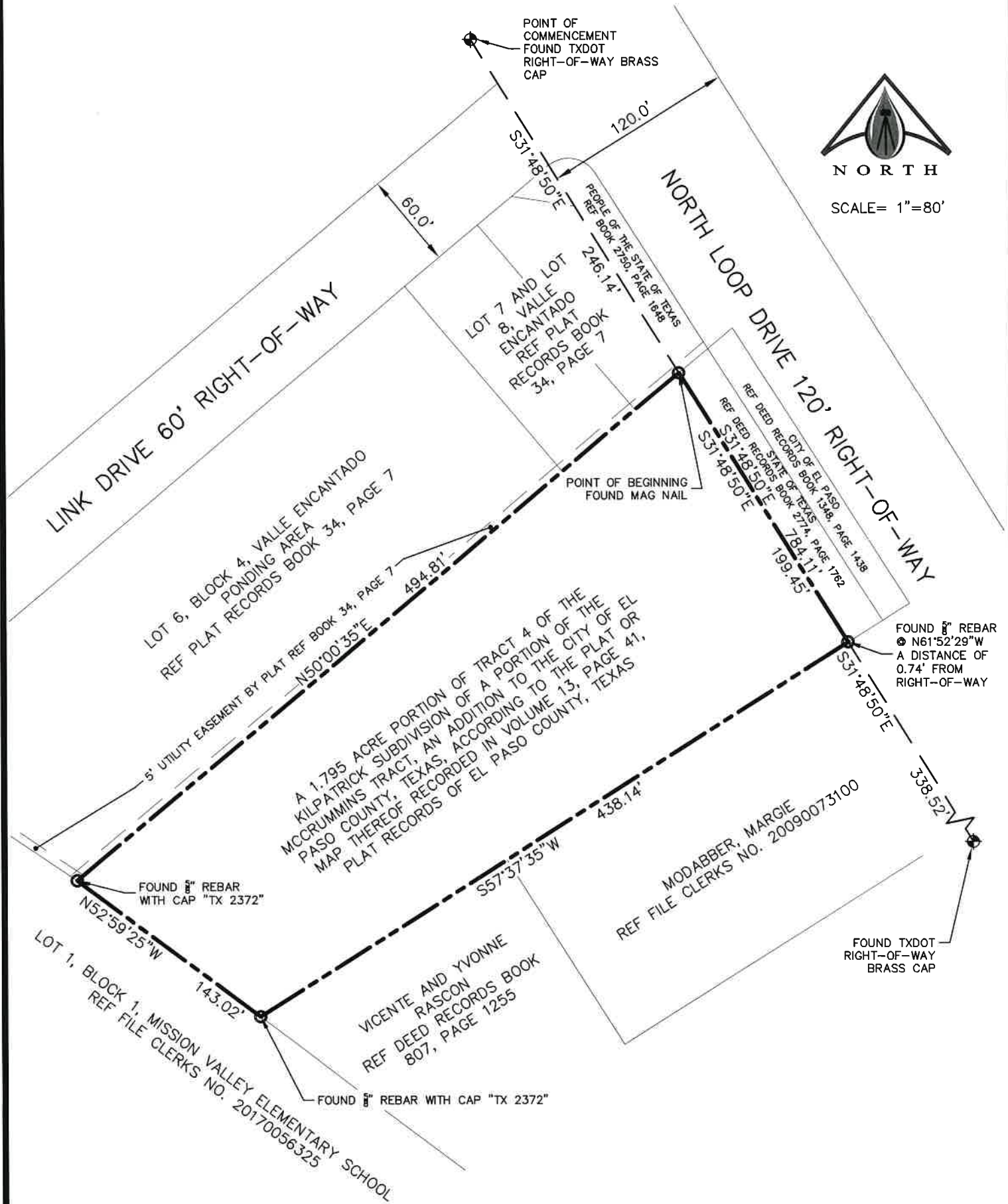
NOTES:

1. BASIS OF BEARINGS AND COORDINATE VALUES IS IN THE TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE NO. 4203 NORTH AMERICAN DATUM OF 1983 (NAD 83 HORIZONTAL) AND (NAVD 1988 VERTICAL) DETERMINED VIA THE EL PASO VIRTUAL REFERENCE STATION (VRS) NETWORK.
2. A SURVEY PLAT OF EVEN DATE HERE WITH ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.



NORTH

SCALE= 1"=80'



NOTES:

1. PLAT OF THE KILPATRICK SUBDIVISION IS RECORDED IN BOOK 13, PAGE 41, PLAT RECORDS, EL PASO COUNTY, TEXAS.
2. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL 4802140048C, DATED FEBRUARY 16, 2006, THIS PROPERTY LIES IN FLOOD HAZARD ZONES "AE" AND "X"
3. THE BASIS OF BEARING AND COORDINATE VALUES ARE IN THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NO. 4203, NORTH AMERICAN DATUM OF 1983 (NAD 83 HORIZONTAL) AND NORTH AMERICAN DATUM OF 1988 (NAVD 88 VERTICAL) DETERMINED VIA THE EL PASO VIRTUAL REFERENCE STATION NETWORK (VRS).
4. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.



8-9-2022

FILING INFORMATION

DATE: AUGUST 9, 2022

FIELD: G.C.

OFFICE: L.R.

W.O.: 022021-6

FILE: 8636 NORTH LOOP

SCALE: 1" = 80'

REVISED: _____

CERTIFICATION

I hereby certify that the foregoing Boundary Survey was made on the ground under my supervision on August 9, 2022, and that this plat correctly represents the facts found at the time of the survey.

CHARLES H. GUTIERREZ R.P.L.S. 5572

BOUNDARY SURVEY

8636 NORTH LOOP

A 1.795 ACRE PORTION OF TRACT 4 OF THE KILPATRICK SUBDIVISION OF A PORTION OF THE MCCRUMMINS TRACT, AN ADDITION TO THE CITY OF EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 13, PAGE 41, PLAT RECORDS OF EL PASO COUNTY, TEXAS

AREA = 78,169 sq.ft. or 1.795 ac ±

PREPARED FOR: PONZIO PROPERTIES



ENGINEERING. SURVEYING. SOLUTIONS.

TBPE FIRM NO. F-2103 TBPLS FIRM NO. 10060700
 2020 E. MILLS AVENUE El Paso, TX 79901
 (915) 533-1418 FAX: (915) 533-4972

8636 North Loop Drive



City Plan Commission — September 8, 2022 - RECONSIDERATION

| | |
|------------------------------|---|
| CASE NUMBER: | PZRZ22-00018 |
| CASE MANAGER: | Saul Pina, (915) 212-1612, PinaSJ@elpasotexas.gov |
| PROPERTY OWNER: | Rojas Pullman Trust |
| REPRESENTATIVE: | Jose Hernandez (H2O Terra) |
| LOCATION: | 8636 North Loop Dr. (District 7) |
| PROPERTY AREA: | 1.8 acres |
| REQUEST: | Rezone from A-2 (Apartment) to C-3 (Commercial) |
| RELATED APPLICATIONS: | None |
| PUBLIC INPUT: | None received as of September 1, 2022 |

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from A-2 (Apartment) to C-3 (Commercial) to allow for the construction of a building to be used as material sales (building & construction). This application is a reconsideration as the applicant did not contacted all the neighborhood associations within the subject property, prior to the previous case hearing on July 28, 2022.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL with a CONDITION** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-3, Post-War future land use designation. The condition is the following:

That the following uses be prohibited on the property:

- Automobile (Sales, service, storage, and rental);
- Automotive repair garage;
- Bus (Sales, service, storage, and rental);
- Commercial fueling station;
- Light truck (Sales, service, storage, and rental);
- Motor vehicle repair, major;
- Motor vehicle repair, minor;
- Motorcycle (Sales, service, storage, and rental)

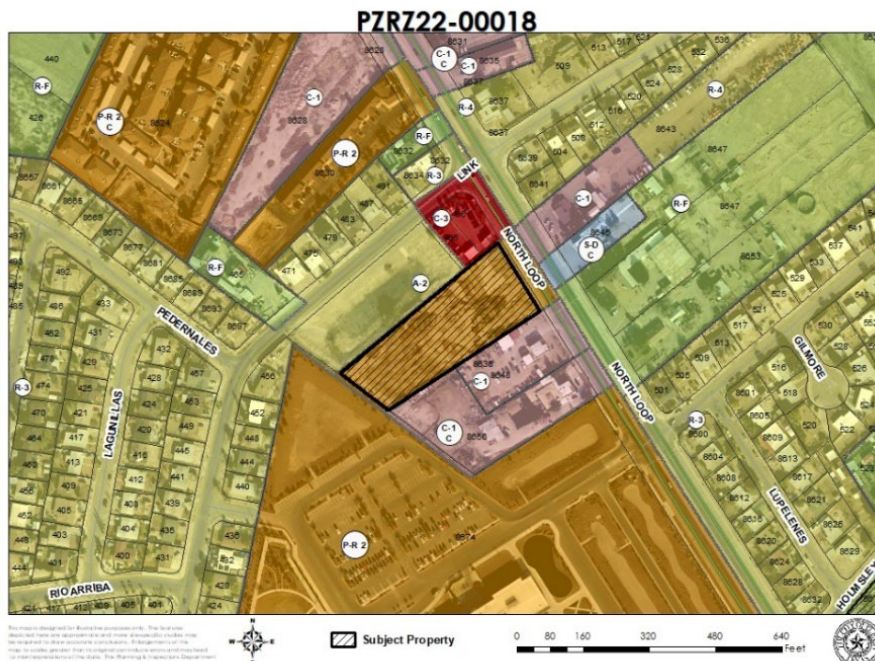


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: This application is a reconsideration of a rezoning request previously heard on July 28, 2022. The applicant requested to rezone from A-2 (Apartment) to C-3 (Commercial) to allow for the construction of a building to be used as material sales (building & construction). However, not all neighborhood associations applicable to the subject property were contacted. This new request is to allow the applicant to contact all pertinent neighborhood associations and to present future development within the subject property.

The size of the property is 1.8 acres. The conceptual plan shows a proposed 6,000 square-foot building and on-site ponding located at the rear of the property. Main access to the property is from North Loop Drive.

PREVIOUS CASE HISTORY: On July 28, 2022, City Plan Commission (CPC) recommended approval of the rezoning request for the subject property from A-2 (Apartment) to C-3 (Commercial) to allow the subject property to be used for material sales (building & construction). No conditions were considered in the previous request.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with adjacent commercial uses and meets the established character of the neighborhood. Properties to the northwest include auto sales, zoned C-3 (Commercial) and a retention pond, zoned R-3 (Residential); properties to the southeast include single family dwellings zoned C-1 (Commercial); properties to the northeast include a barber shop and beauty salon zoned S-D/c (Special Development/conditions) and a single-family dwelling zoned R-F (Ranch and Farm); and properties to the southwest include a school zoned P-R II (Planned Residential). The nearest schools, Mission Valley Elementary School and Del Valle Middle School, are 0.3 miles away and the nearest park, Pueblo Viejo Park, is 1.2 miles away from the subject property.

| REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors: | |
|--|--|
| Criteria | Does the Request Comply? |
| <p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p> | <p>Yes. The proposed development is compatible with the future land use designation. The intent is to provide commercial services and activities available to surrounding residential districts.</p> |
| <p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-3 (Commercial) District: The purpose of the district is to accommodate establishments providing goods or rendering services which are used in support of the community’s trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the district will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p> | <p>Yes. Surrounding development currently has commercial zoning, which is similar in nature to the proposed rezoning site. These properties have access through North Loop Drive, classified as a Major Arterial on the City of El Paso’s Major Thoroughfare Plan (MTP). The proposed development will permit commercial activity not available within the area.</p> |

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with *Plan El Paso*, consider the following factors:

| | |
|--|--|
| <p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p> | <p>Yes. The subject property has access to North Loop Drive, which is designated as a Major Arterial in the City's Major Thoroughfare Plan. The classification of this road is appropriate for the proposed development as it facilitates the rapid access to multiple businesses and commercial establishments.</p> |
|--|--|

THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:

| | |
|---|---|
| <p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.</p> | <p>None. The property is not located within any historic districts nor any other special designation areas.</p> |
| <p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p> | <p>None. There are no anticipated adverse impacts.</p> |
| <p>Natural Environment: Anticipated effects on the natural environment.</p> | <p>The subject property is located within a flood zone. Because of this, on-site ponding is required.</p> |
| <p>Stability: Whether the area is stable or in transition.</p> | <p>Yes. The area is in transition to commercial uses along North Loop Drive. In the last 10 years, surrounding developments have changed zoning from R-F (Ranch and Farm) to C-1 (Commercial) and other similar commercial zone districts. As a result, commercial activity has grown, facilitating business within the area.</p> |
| <p>Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p> | <p>None.</p> |

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is from North Loop Drive, which is classified as a Major Arterial on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the proposed development. The site can be accessed by multiple means, (vehicle, bus, foot) and will provide additional commercial services to the area.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property lies within the Save the Valley 21, Mission Valley Civic Association, Corridor 20 Civic Association, and Penrose Neighborhood Associations. The applicant has contacted all four neighborhood associations prior to September 8, 2022 being the new City Plan Commission hearing date

Property owners within 300 feet of the subject property were previously notified of the rezone request on July 14, 2022. On August 25, 2022, new notices were mailed to property owners within 300 feet of the subject property. As of September, 1, 2022, the Planning Division has not received any communication in support or opposition to the rezoning request.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

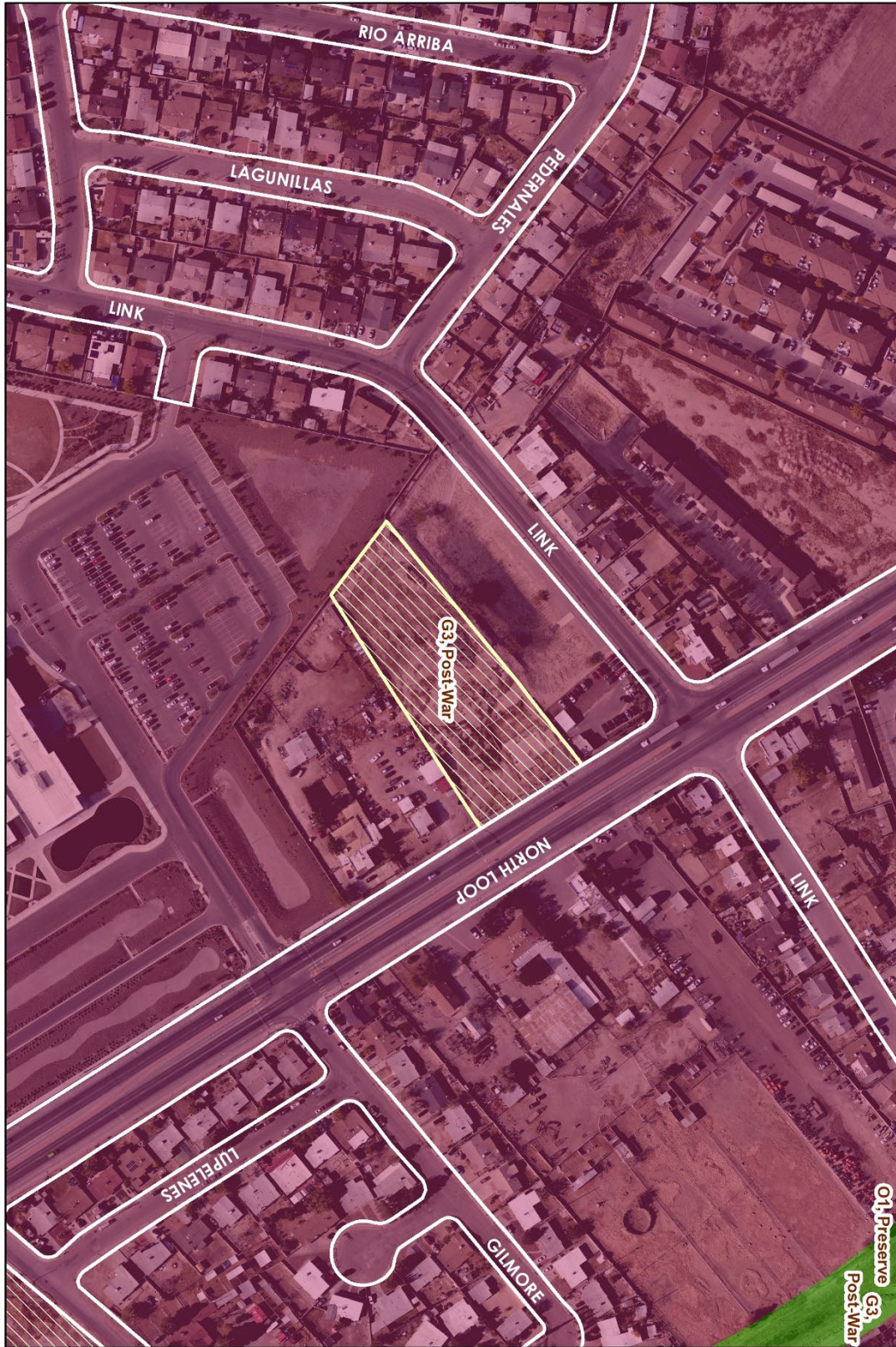
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

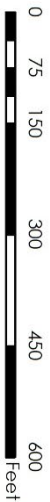
1. Future Land Use Map
2. Conceptual Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

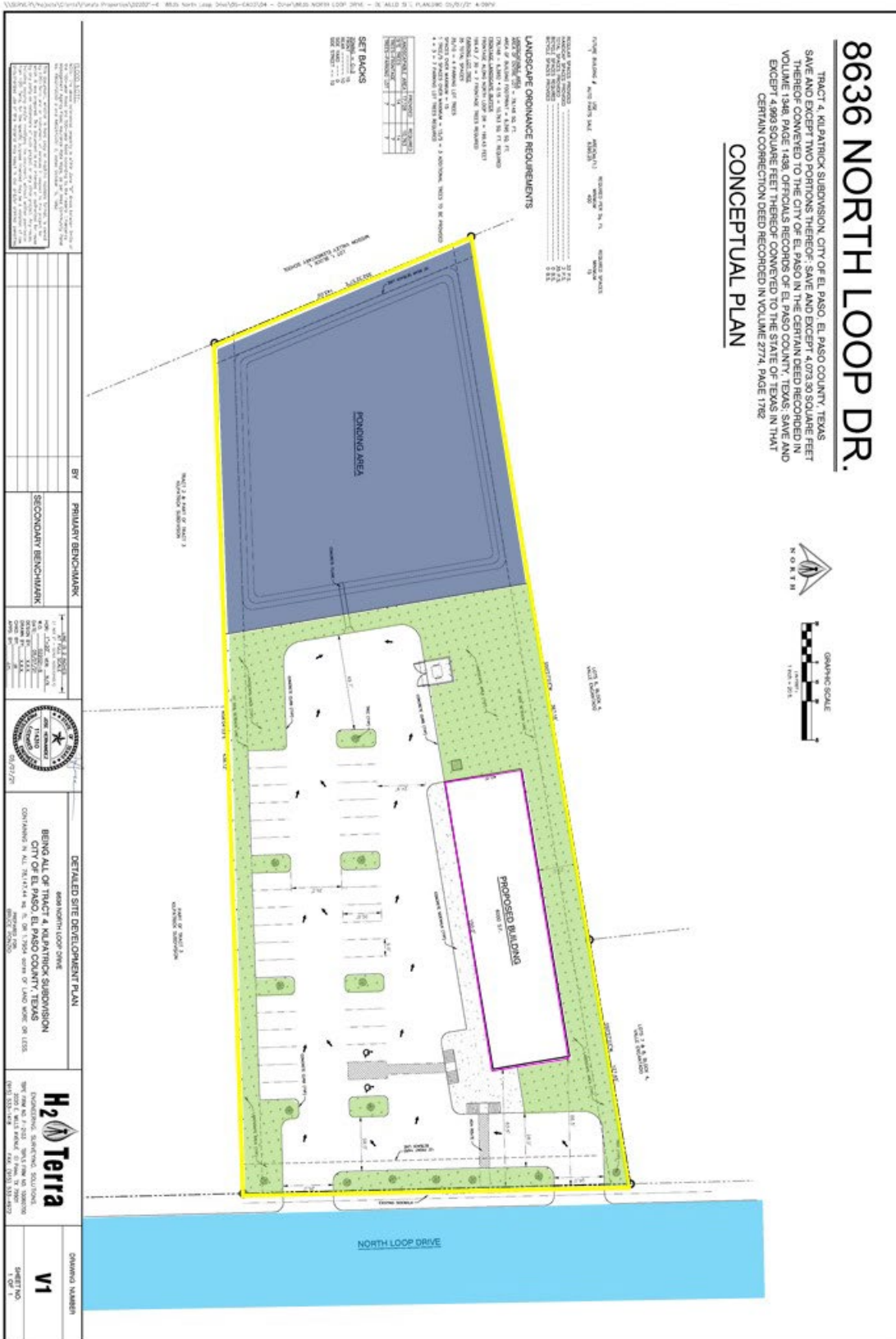
PZR22-00018



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Embodiments of this map do not constitute an offer of any financial product or service. Planning Division makes no claim to its accuracy or completeness.



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request with the following condition:

That the following uses be prohibited on the property:

- Automobile (Sales, service, storage, and rental);
- Automotive repair garage;
- Bus (Sales, service, storage, and rental);
- Commercial fueling station;
- Light truck (Sales, service, storage, and rental);
- Motor vehicle repair, major;
- Motor vehicle repair, minor;
- Motorcycle (Sales, service, storage, and rental).

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval.

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code

Planning and Inspections Department – Land Development

Recommend approval.

1. On site ponding is required in compliance with sections (DSC panel 1-4C-J, 19.19.010A and DDM, 11.1).
2. No stormwater runoff shall be allowed to discharge into TXDOT ROW as per TXDOT regulations.
3. Add note for FEMA FIRM panel information. Property is currently within flood zones AE & 500-year .2% storm areas.

Note: Comments addressed.

Fire Department

Recommend approval.

No adverse comments.

Police Department

No comments/concerns.

Environment Services

No comments provided.

Streets and Maintenance Department

No TIA required.

Sun Metro

No comments provided.

El Paso Water

El Paso Water (EPWU) does not object to this request.

Water

There is an existing 12-inch diameter water main that extends along North Loop Dr. approximately 13-feet north of the property. This main is available for service.

Previous water pressure from fire hydrant #3612 located at the intersection of Gilmore Way and North Loop Dr., yield a static pressure of 104 (psi), a residual pressure of 96 (psi), and a discharge of 1,300 gallons per minute. The owner should, for his own protection and at his own expense shall install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the water pressure regulator device.

EPWU records indicate a ¾-inch vacant water service with 8648 North Loop Dr. as the service address.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main along North Loop Dr., approximately 22 feet north of the subject property. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main along a 15-foot easement west of the and parallel to the property's west boundary line. This main is available for service.

General

North Loop Dr. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within North Loop Dr. right-of-way requires written permission from TxDOT.

An application for additional water and sanitary sewer services should be submitted 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor and on www.epwater.org. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property, and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Any proposed ponding area shown, shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event. Label the pond as "Private".

Texas Department of Transportation

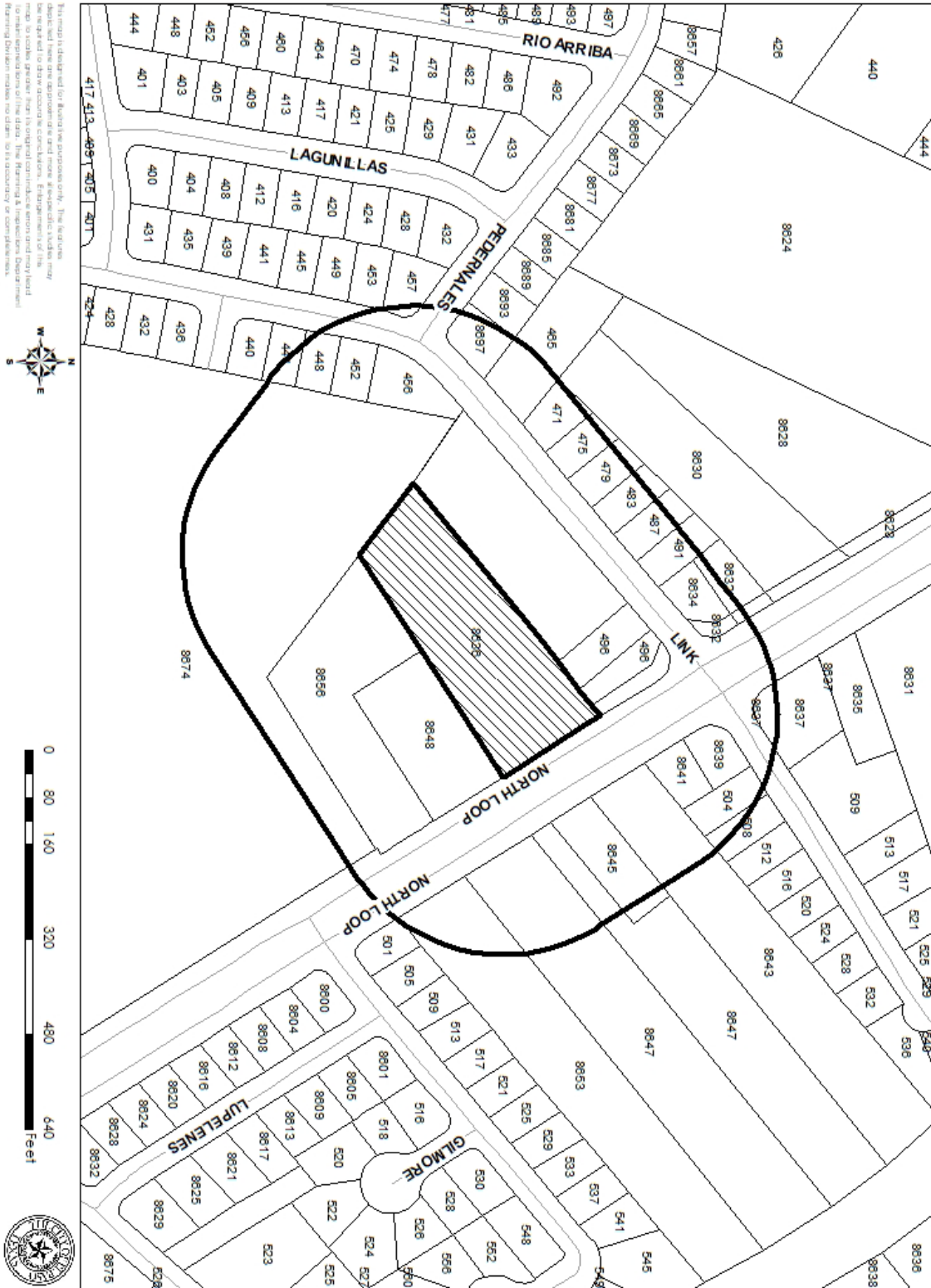
Please submit grading and drainage plans for TxDOT review to this address. If any work is on TXDOT ROW, a permit is required by TXDOT with a traffic control plan.

Note: Coordination with TXDOT will be required prior to any construction.

El Paso County Water Improvement District #1

EPCWID1 has no comments on the above-mentioned item.

ATTACHMENT 4



PZR722-00018